

UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

IN RE:
MIREYA JIMENEZ

DEBTOR (S)

CASE NO. 10-09054-SEK

CHAPTER 13

**TRUSTEE'S UNFAVORABLE REPORT
ON PROPOSED PLAN CONFIRMATION UNDER §1325**

TO THE HONORABLE COURT: NOW COMES, José R. Carrión, Chapter 13 Trustee, and very respectfully alleges and prays:

This is the Trustee's position regarding the request, under **11 U.S.C. §1325**, for the confirmation of a Chapter 13 Plan.

Debtor(s)' Income: **Under Median / 36 months commitment period.** Gen Unsecured Pool: **\$0.00**

The **LIQUIDATION VALUE** of the estate has been determined in **\$0 R2016 STM. \$3,000.00**

TOTAL ATTORNEYS FEES THRU PLAN: \$2,874.00 Fees paid: \$0.00 Fees Outstanding: \$2,874.00

With respect to the proposed (amended) Plan dated: **November 19, 2010** (Dkt 15). Plan Base: **20,940.00**

The proposed (amended) plan can not be confirmed because it has the following deficiencies:

- Feasibility [§1325(a)(6)]: There is/are no allowed claim(s) for creditor(s) dealt in the plan [FRBP RULE 3021].

BPPR has failed to file a proof of claim for the secured arrears provided for in the proposed plan.

- Debtor(s) fails to comply with Income Tax Return filing requirements of §1308. [§1325(a)(9)]
Debtors have failed to submit evidence of having filed 1040 PR forms for the years 2006-2009.

- Debtor(s) has/have failed to comply with her/his/their duties as a Debtor(s), debtor(s) has/have failed to provide documents and/or information requested at the meeting of creditors, impairing the Trustee duties performance under the Code. [11 USC §521 &§1302(b)]

Debtor must file a sworn statement as to her income as was requested by the Trustee at the 341 Meeting.

- Other/Comments

NONE.

Due to the above described deficiencies in the proposed plan the Trustee Objects to the Confirmation of the same.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(s), and to her/his/their attorney through CM-ECF notification system.

In San Juan, Puerto Rico this November 23, 2010.

/s/ Jose R. Carrion

/s/ Nannette Godreau -Staff Attorney

JOSE R. CARRION
CHAPTER 13 TRUSTEE

PO Box 9023884, San Juan, PR 00902-3884
Tel. (787) 977-3535 Fax (787) 977-3550